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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Kimihiko NISHIOKA et al.**

Group Art Unit: **2873**

Serial No.: **10/627,770**

Examiner: **David N. Spector**

Filed: **July 28, 2003**

Confirmation No.: **4301**

For: **OPTICAL APPARATUS AND IMAGING APPARATUS USING THE  
SAME**

Attorney Docket Number: **030896**

Customer Number: **38834**

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia-22313-1450

August 23, 2004

Sir:

This paper is submitted in response to the Official Action dated July 29, 2004.


In the Action, restriction is required among Group A (Claims 1-8), Group B (Claims 9-25), Group C (Claims 26-28), Group D (Claims 29-31), Group E (Claim 32), Group F (Claim 33), Group G (Claim 34), Group H (Claims 35-38, 40 and 42), Group I (Claim 39) and Group J (Claim 41).

Applicant(s) hereby elect(s) the subject matter of Group B, Claims 9-25, for prosecution in this application. This election is made without traverse, and it is understood that Applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

Response to Restriction Requirement  
Serial No. 10/627,770  
Attorney Docket No. 030896

If this paper is not timely filed, Applicant(s) respectfully petition(s) for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

  
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